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No. 732

United States Supreme Court

LORD V. WINCHESTER STAR ET AL.

JURISDICTIONAL STATEMENT

a) Rescript Opinion of the Supreme Judicial Court of the Commonwealth of Massachusetts reported.

b) Concise statement showing grounds on which this court has jurisdiction:

I. Proceedings by way of a petition for Writ of Mandamus to force appellee to publish certain letters written by appellant bearing upon case against Board of Selectmen of Town of Winchester, Massachusetts. Demurrer by appellee upheld by Supreme Judicial Court of the Commonwealth of Massachusetts with Rescript Opinion as reported above in (a).

II. Date of Rescript Opinion, June 5, 1963.
Date of time of entry into this court: August 26, 1963.

III. Statutory provision believed to confer on this court jurisdiction of the appeal, writ of certiorari.

IV. Cases believed to sustain jurisdiction.
Department of Banking, State of Nebraska v. Louis H. Pink, Supt. Of Insurance of State of New York, etc., 317 U.S. 264-268 and cases cited therein. Dennis v. United States, 341 U.S. 494, 524.

V. Questions presented by the appeal:
Whether or not the petitioner had a right, under the constitution of the United States and Bill of Rights (First Ten Amendments) and the Constitution of Massachusetts, to force res-

pondent to publish reply to editor's editorial dated August 16, 1962, urging your Petitioner to drop his pending action (Petition for Contempt) against the Board (Selectmen) in the interest of the community good will and the reputation of Winchester in the State.

d) Concise statement of case presented:

Superior Court for Middlesex County, Commonwealth of Massachusetts issued temporary restraining order against Board of Selectmen for Town of Winchester, to cease reducing oral contract for sale of land to writing and further to cease having any further negotiations with *prosective* buyer. Editor of Winchester Star in an editorial, advised petitioner to drop case as objective had been obtained, in preventing sale of Town Land without competitive bidding. Petition for Contempt of Court followed. Said Petition for Contempt was petitioner's answer to request to drop case and letter to Winchester Star, saying that defiance of Board of Selectmen to restraining order, became the issue and ought not to go unnoticed and Selectmen ought to be punished for civil contempt. Respondents demurred to mandamus which was sustained in Superior Court.

e) The Constitution of the United States and that of the Commonwealth of Massachusetts guarantee the liberty of the press and freedom of speech. Quoting Blackstone: "The liberty of the press is indeed essential to the nature of a free state; but this consists in laying no previous restraints upon publications, and not in freedom from *censure* for criminal matter published. Every free man has an undoubted right to lay what sentiments he pleases before the public; to forbid this is to destroy the freedom of the press."

4 Blackstone, Commentaries 151.

h) Zucht v. King, 260 U.S. 174, 176, 177

i) All have been filed.